



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

April 20, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Carabetta, President
United Oil Recovery, Inc.
136 Gracey Avenue
Meriden, CT 06451

RE: CERCLA Off-Site Rule: **Notice of Unacceptability** for
United Oil Recovery, Inc.
EPA Permit/ID Number - CTD021816889
State Permit/ID Number DEP-HWM-080-002

Dear Mr. Carabetta:

This letter is to notify you that the U.S. Environmental Protection Agency, Region 1 (EPA) has determined that conditions may exist at United Oil Recovery, Inc., Meriden, CT (hereinafter United) which may render this facility unacceptable for the receipt of off-site waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, *et seq.* The CERCLA off-site wastes to which this Notice of Unacceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule found at 40 C.F.R. § 300.440 and 58 Fed. Reg. 49,200 (September 22, 1993).

This determination of unacceptability **will become effective sixty (60) calendar days** from the date on this notice if EPA finds that the relevant violations alleged in this notice are continuing. If this notice goes into effect, United will remain in unacceptable status until such time as EPA notifies the owner/operator otherwise.

On September 16, 2003, EPA and the Connecticut Department of Environmental Protection (CTDEP) conducted a compliance evaluation inspection (CEI) at United, pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921, *et seq.* The CEI included an evaluation of United's compliance with applicable RCRA hazardous waste management regulations. Violations discovered during the inspection were referred by EPA to the United States Department of Justice (DOJ) for the initiation of a federal civil action. By letter from DOJ to United dated May 18, 2005, United was notified of the referral and given the opportunity to enter pre-filing negotiations with the United States.

The relevant violations that form the basis for this Notice are outlined below:

- General generator standards set forth in RCRA Section 22a-449(c)-102(a) and (b)

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- (40 C.F.R. Part 262);
- General facility standards set forth in RCRA Section 22a-449(c)-105(a) (40 C.F.R. Part 265, Subpart B);
- Standards for tanks set forth in RCRA Section 22a-449(c)-104(a) (40 C.F.R. Part 264, Subpart J); and
- Land disposal regulations set forth at 40 C.F.R. Part 268.

Such observations as described above demonstrate that conditions may exist at United which render this facility unacceptable for the receipt of off-site waste. Therefore, EPA hereby makes the preliminary determination that United cannot receive such waste.

The Off-Site Rule provides the facility an opportunity to request an informal conference with responsible officials to discuss the basis for EPA's determination that United cannot receive off-site waste. **The written request for an informal conference must be made within ten (10) calendar days from the date of this notice.** The written request should be sent to: Mel Cheeks, Environmental Engineer, 1 Congress Street, Suite 1100 (SER), Boston, MA 02114. Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the date of this notice, if possible. During the informal conference, United may discuss with EPA the basis for the underlying violations, and whether such violations make the facility unsuitable to receive CERCLA cleanup wastes.

United may submit written comments to the above address within thirty (30) days from the date of this notice in addition to, or in lieu of, requesting an informal conference. If United fails to request an informal conference or to submit written comments within the appropriate time frame, EPA will not consider any information United may have on this issue. If United takes advantage of the opportunity to request an informal conference and/or submits written comments within the specified time frames, EPA will inform United of its decision after the informal conference and review of comments. Unless the information provided is sufficient to support an "acceptable" determination, the facility will become "unacceptable" on the 60th calendar day after issuance of this initial notice.

Within ten (10) calendar days of receipt of the notice from EPA that the supplemental information is insufficient to support an "acceptable" determination, United may request that the unacceptable determination be reconsidered by the Regional Administrator of EPA, Region 1. Reconsideration may be by review of records, by conference, or by other methods deemed appropriate by the Regional Administrator. The reconsideration will be conducted within sixty (60) calendar days of the date of the initial notice, if possible, and does not automatically stay the "unacceptable" determination beyond the sixty (60) day period. The owner/operator will receive notice in writing of the decision of the Regional Administrator.

In the event the "unacceptable" determination becomes effective, United may then be considered for acceptability whenever EPA finds that it has fulfilled the criteria stated in 40 C.F.R. § 300.440(b). Upon such a finding, EPA shall notify United in writing.

If you have any questions concerning this notice, please contact Mel Cheeks, Environmental Engineer, by telephone at (617) 918-1752 or by e-mail at cheeks.mel@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Varney", followed by a long horizontal line that ends in a loop.

Robert W. Varney
Regional Administrator

Enclosure

cc: James Chow, RPM
Region 1
David Peterson, Esq., EPA
Amelia Katzen, Esq., EPA